

ROBERT WISNIEWSKI  
ROBERT WISNIEWSKI P.C.  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GREGORIO MONTES,

Plaintiff,

-against-

**DECLARATION OF ROBERT  
WISNIEWSKI, ESQ.**

**Doc. No.: 17-cv-05040  
(ARR) (RER)**

FINEST DELI & GROCERY CORP., and  
AHMED AL AWLAQI,  
Defendants.

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I, Robert Wisniewski, Esq., declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following statements are true and correct:

1. I am a member in good standing of the bar of this court and am principal of Robert Wisniewski P.C., attorneys for Gregorio Montes ("Plaintiff") in the above referenced matter. I am fully familiar with the facts and circumstances set forth herein.

2. I hereby make application to the Clerk of this Court for entry of default as to Defendants Finest Deli & Grocery Corp. ("Corporate Defendant"), and Ahmed Al Awlaqi ("Individual Defendant") pursuant to Fed. R. Civ. P. 55(a).

3. This is an action seeking damages for unpaid wages and unpaid overtime wages in violation of state and federal law.

4. A copy of the Summons and Complaint was served on the Corporate Defendant on

September 11, 2017, by service on an agent of the Secretary of State of New York. The Affidavit of Service was filed on September 19, 2017. *Dkt. No. 9.*

5. A copy of the Summons and Complaint was served on the Individual Defendant on September 7, 2017, by service on a person of suitable age and discretion. The Affidavit of service was filed on September 14, 2017. *Dkt. No. 7.*

6. Defendants have failed to serve an Answer or otherwise respond to the Summons and Complaint.

7. Under Rule 12(a) of the Federal Rules of Civil Procedure, the time limit for responding to the Summons and Complaint has expired, and the time has not been extended by any stipulation of the parties or any Order of the Court.

8. The Corporate Defendant is a corporation, organized under the laws of the State of New York, and is neither an infant no an incompetent person requiring special service in accordance with Fed. R. Civ. P. 4(g), and is not serving in the armed forces of the United States.

9. The Individual Defendant is a natural person and is neither an infant nor an incompetent person requiring special service in accordance with Fed. R. Civ. P. 4(g), and is not serving in the armed forces of the United States.

10. I declare that the foregoing is true and am aware that any of the foregoing is materially false, I may be subject to a penalty for perjury, including jail.

Dated: New York, NY  
December 8, 2017

ROBERT WISNIEWSKI P.C.

By: /s/ Robert Wisniewski  
Robert Wisniewski, Esq.  
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